

JD

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MEVLIN E. LEWIS
5042 N. Summer Street
Philadelphia, PA 19139

PLAINTIFF

vs.

CITY OF PHILADELPHIA
City Hall
Philadelphia, PA 19103

and

CITY OF PHILADELPHIA POLICE
DEPARTMENT
1515 Arch Street
Philadelphia, PA 19102

and

EDWIN A. NEAL, Individually and
as Philadelphia Police Officer Badge #4912
6059 Haverford Avenue
Philadelphia, PA 19151

and

MARVIN WILKINS, Individually and
as Philadelphia Police Officer Badge #2771
6059 Haverford Avenue
Philadelphia, PA 19151

and

MELVIN SINGLETON, JR., Individually
and in his official capacity as Captain of the
19th Police District

10 2842

CIVIL ACTION NO.

6059 Haverford Avenue)
Philadelphia, PA 19151)
)
and)
)
KEVIN BETHEL, Individually and in his)
Official capacity as Deputy Commissioner)
and as Head of the Regional Operations)
Command South of the Philadelphia Police)
Department)
4500 South Broad Street)
Building 501, 1st Floor)
Philadelphia, PA 19112)
)
and)
)
CHARLES H. RAMSEY, Individually)
and in his official capacity as Commissioner)
of the Philadelphia Police Department)
One Franklin Square)
Philadelphia, PA 19106)
)
DEFENDANTS)

CIVIL ACTION COMPLAINT

This action is brought by Melvin E. Lewis, against the Defendants, City of Philadelphia; Edwin A. Neal, individually and as Philadelphia Police Officer Badge #4912; Marvin Wilkins, individually and as Philadelphia Police Officer Badge #2771; Melvin Singleton, individually and in his official capacity as Captain of the 19th District of the Philadelphia Police Department; Kevin Bethel, individually and in his official capacity as Deputy Commissioner and Head of Regional Operations Command South of the Philadelphia Police Department; Charles H. Ramsey, individually and in his official capacity as Commissioner of the Philadelphia Police Department, for intentional and malicious acts under color of law which deprived the plaintiff of

his civil rights, freedom and liberties as secured by the Fifth and fourteenth Amendments to the Constitution of the United States, by Title 42 United States code Sections 1983 and 1988, and other federal and state statutes and causes of action.

A jury trial is requested.

JURISDICTION AND VENUE

This action arises under the Constitution of The United States, particularly, the Fifth and Fourteenth Amendments to the Constitution of the United States, and under the laws of the United States, particularly the Civil Rights Act, Title 42 of the United States Code, Sections 1983 and 1988; and other federal statutes. This Court has pendant jurisdiction over plaintiff's state law claims.

The jurisdiction and venue of this Court is invoked under the provisions of Title 28 of the United States Code, Sections 1331, 1391, and 1443.

A. PARTIES

1. Plaintiff, Melvin E. Lewis, an adult individual who at all relevant times hereto resided at the above-captioned address.
2. Defendant, City of Philadelphia, at all and relevant times hereto was a political subdivision and municipal corporation duly existing and organized under the laws of the Commonwealth of Pennsylvania receiving federal and/or state funding and conducting business at the above-captioned address.
3. Defendant, Philadelphia Police Department, at all and relevant times hereto was a political subdivision and municipal corporation duly existing and organized under the laws of the Commonwealth of Pennsylvania receiving federal and/or state funding and conducting business at the above-captioned address.

4. Defendant, Officer Edwin A. Neal, at all and relevant times hereto acted individually and in his capacity as the agent, servant, worker, employee and police officer of the City of Philadelphia, with a regular place of business at the above-captioned address.
5. Defendant, Officer Marvin Wilkins, at all and relevant times hereto acted individually and in his capacity as the agent, servant, worker, employee and police officer of the City of Philadelphia, with a regular place of business at the above-captioned address.
6. Defendant, Melvin Singleton, at all relevant and material times was the Captain of the 19th District of the Police Department of the City of Philadelphia, an official and employee of the City of Philadelphia, and a supervisor of Defendants, Edwin A. Neal and Marvin Wilkins.
7. Defendant, Kevin Bethel, all relevant and material times was the Deputy Commissioner and Head of the Regional Operations Command South of the Police Department of the City of Philadelphia, an official and employee of the City of Philadelphia, and a supervisor of Defendants, Edwin A. Neal and Marvin Wilkins.
8. Defendant, Charles H. Ramsey, at all relevant and material times was the Commissioner of the Police Department of the City of Philadelphia, an official and employee of the City of Philadelphia, and a supervisor of Defendants, Edwin A. Neal and Marvin Wilkins.
9. At all relevant and material times hereto, all defendants were acting personally and/or by and through their agents, servants, workers, and/or employees.
10. All of the acts alleged to have been done or not done by defendants were done or not done by said defendants, their agents, servants, workers, and employees, all of whom were acting within the course and scope of their authority and/or employment with and on behalf of said defendants and under color of law.

11. At all times relevant and material hereto, each defendant named herein was the agent, servant, worker and/or employee of each of the other defendants named herein.

B. FACTS GIVING RISE TO THE CAUSES OF ACTION

12. On or about June 15, 2008, the plaintiff was confronted, detained, arrested and taken into police custody at the intersection of 56th Street and Haverford Ave, Philadelphia, Pennsylvania, by City of Philadelphia police officer(s) Edwin A. Neal and Marvin Wilkins, acting within the course and scope of their employment as police officer(s)/sergeant(s)/supervisor(s) and under color of law.

13. After arresting the plaintiff, and upon arrival at the Philadelphia Police Department headquarters at 750 Race Street, Philadelphia, PA, the police officer(s) in question, including defendants, Edwin A. Neal and Marvin Wilkins, assaulted and battered the plaintiff.

14. The use of force by the defendants and their police officer(s)/sergeant(s)/supervisor(s) was unjustified, unreasonable, unnecessary, and excessive and caused serious and permanent injuries to the plaintiff described in further detail hereinafter.

15. Prior to June 15, 2008, Defendants, City of Philadelphia, Melvin Singleton, Kevin Bethel, and Charles H. Ramsey developed and maintained policies, practices, and/or customs exhibiting deliberate indifference to the constitutional rights of persons in the City of Philadelphia, which caused the plaintiff's civil rights to be violated.

16. It was the policy, practice and/or custom of Defendants, City of Philadelphia, Melvin Singleton, Kevin Bethel, and Charles H. Ramsey, to use unjustified, unreasonable, unnecessary, and excessive force against arrestees being held in custody after arrest. This policy, practice, and/or custom caused plaintiff's civil rights to be violated.

17. It was the policy, practice, and/or custom of Defendants, City of Philadelphia, Melvin Singleton, Kevin Bethel, and Charles H. Ramsey, to train police personnel, including police officers, sergeants, supervisors, and detectives, to use unjustified, unreasonable, unnecessary, and excessive force against crime suspects being held in custody after arrest. This policy, practice, and/or custom caused plaintiff's civil rights to be violated.

18. It was the policy, practice and/or custom of Defendants, City of Philadelphia, Melvin Singleton, Kevin Bethel, and Charles H. Ramsey, to fail to train police personnel, including police officers, sergeants, supervisors, and detectives, in proper methods of handling and treating arrestees in custody after arrests in a manner utilizing only justified, reasonable, and necessary force. This policy, practice, and/or custom caused plaintiff's civil rights to be violated.

19. The actions; inactions; and/or policies, practices and/or customs of the defendants constituted and/or caused various violations of plaintiff's civil rights, assault and battery and other actionable offenses.

20. As a result of the aforementioned actions; inactions; and/or policies, practices and/or customs of the defendants and their agents, servants, workers, employees, and police officer(s)/ sergeant(s)/ supervisor(s), including Defendants, Edwin A. Neal and Marvin Wilkins, plaintiff sustained multiple serious injuries, some or all of which may be permanent, including the amputation of his left hallux ("big toe"), numbness in his left leg, and limping; and other injuries some or all of which have yet to become manifest and/or be diagnosed. All of the foregoing injuries have rendered plaintiff sick, sore, lame, prostate, disabled, disfigured, and disordered and have forced him to suffer great mental anguish, embarrassment, humiliation, loss of enjoyment of life's pleasures, and mental and physical pain, all of which may continue for an indefinite time into the future.

21. As a result of the aforementioned actions; inactions; and/or policies, practices and/or customs of the defendants and their agents, servants, workers, employees, and police officer(s)/sergeant(s)/ supervisor(s), including Defendants, Edwin A. Neal and Marvin Wilkins, plaintiff has been obliged to expend and will continue to expend in the future large sums of money and/or incur debts and/or liens for medical care and treatment, all to his great financial detriment and loss, which may continue for an indefinite time into the future.

22. As a result of the aforementioned actions; inactions; and/or policies, practices and/or customs of the defendants and their agents, servants, workers, employees, and police officer(s)/sergeant(s)/ supervisor(s), including Defendants, Edwin A. Neal and Marvin Wilkins, plaintiff has been unable to follow his usual occupations and customary daily duties and other activities and has been caused to suffer a loss of income and earning capacity, all of which may continue for an indefinite time into the future to his great detriment and loss.

23. As a result of the aforementioned actions; inactions; and/or policies, practices and/or customs of the defendants and their agents, servants, workers, employees, and police officer(s)/sergeant(s)/ supervisor(s), including Defendants, Edwin A. Neal and Marvin Wilkins, plaintiff is entitled to compensatory, punitive, treble, consequential and delay damages for an indefinite time into the future.

COUNT I
PLAINTIFF V. ALL DEFENDANTS
FIFTH AND FOURTEENTH AMENDMENT AND STATUTORY CIVIL RIGHTS
VIOLATIONS

24. Plaintiff hereby incorporates by reference all prior allegations the same as though set forth herein at length.

25. The aforementioned actions; inactions; and/or policies, practices and/or customs of the defendants and their agents, servants, workers, employees, and police officer(s)/ sergeant(s)/ supervisor(s), including Defendants, Edwin A. Neal and Marvin Wilkins, violated plaintiff's civil rights to due process and equal protection of the laws, and to be safe from unreasonable, unnecessary, unjustified and excessive use of force, under the Fifth and Fourteenth Amendments to the United States Constitution and pursuant to 42 U.S.C. Sections 1983 and 1988 and other federal statutes in the following:

- a. Depriving plaintiff of his due process rights and participating in unjustified, unnecessary, unreasonable and excessive use of force on the plaintiff;
- b. Failing to provide the plaintiff with his due process rights and participating in unjustified, unnecessary, unreasonable, and excessive use of force on the plaintiff;
- c. Depriving plaintiff of equal protection of the laws and participating in unjustified, unnecessary, unreasonable, and excessive use of force on the plaintiff;
- d. Failing to provide the plaintiff with equal protection of the laws and participating in unjustified, unnecessary, unreasonable and excessive use of force on the plaintiff;
- e. Acting with an evil motive or intent with a reckless or callous indifference to the plaintiff's federally protected rights;
- f. Unlawful oppression of plaintiff's rights;
- g. Assaulting and battering the plaintiff;
- h. Failing to properly treat the plaintiff;
- i. Violating plaintiff's civil rights;
- j. Injuring the plaintiff;
- k. Using an unreasonable, unnecessary, unjustified and excessive force upon plaintiff;
- l. Failing to obtain necessary medical attention and treatment for plaintiff in a timely fashion;
- m. Preventing plaintiff from receiving necessary medical attention and treatment in a timely fashion;
- n. Failing to act appropriately to prevent injury to the plaintiff under the circumstances.

26. As a result of the aforementioned violations of plaintiff's civil rights by the defendants and their agents, servants, workers, employees, and police officer(s)/sergeant(s)/supervisor(s), including defendants, Edwin A. Neal and Marvin Wilkins, the plaintiff suffered the injuries and harms described in paragraphs 18-20 above, which are incorporated herein by reference.

WHEREFORE, Plaintiff demands judgment against the Defendants, jointly and severally, in an amount in excess of \$150,000.00, plus any compensatory, punitive, treble, consequential and delay damages, attorney's fees and costs to which he is entitled.

COUNT II
PLAINTIFF V. ALL DEFENDANTS
ASSAULT AND BATTERY

27. Plaintiff hereby incorporates by reference all prior allegations the same as though set forth herein at length.

28. The defendants and their agents, servants, workers, employees, and police officer(s)/sergeant(s)/supervisor(s), including Defendants, Edwin A. Neal and Marvin Wilkins, recklessly, intentionally, maliciously and unlawfully struck, injured, kicked, verbally abused and/or otherwise assaulted and battered the plaintiff and placed him in fear for his safety as more fully stated hereinbefore.

29. At all relevant and material times here to, the defendants and their agents, servants, workers, employees, and police officer(s)/sergeant(s)/supervisor(s), including Defendants, Edwin A. Neal and Marvin Wilkins, lacked the authority, reason and/or cause to strike, assault, batter, verbally abuse, use excessive force upon and/or otherwise injure the plaintiff or place the plaintiff in fear for his safety.

30. The aforementioned assault and battery of the plaintiff by the defendants and their agents, servants, workers, employees, and police officer(s)/sergeant(s)/supervisor(s), including Defendants, Edwin A. Neal and Marvin Wilkins, was unlawful, unnecessary and without justification and constituted the use of excessive force.

31. As the direct and proximate cause of the aforementioned assault and battery of the plaintiff by the defendants and their agents, servants, workers, employees, and police

officer(s)/sergeant(s)/supervisor(s), including Defendants, Edwin A. Neal and Marvin Wilkins, the plaintiff suffered the injuries and harms described in paragraphs 18-20 above which are incorporated herein by reference.

WHEREFORE, Plaintiff demands judgment against the Defendants, jointly and severally, in an amount in excess of \$150,000.00, plus any compensatory, punitive, treble, consequential and delay damages, attorney's fees and costs to which he is entitled.

**COUNT III
PLAINTIFF V. ALL DEFENDANTS
HARRASMENT**

32. Plaintiff hereby incorporates by reference all prior allegations the same as though set forth herein at length

33. The defendants and their agents, servants, workers, employees, and police officer(s)/sergeant(s)/supervisor(s), including Defendants, Edwin A. Neal and Marvin Wilkins, began and continued harassing the plaintiff, as more fully described above, as a result of his being a prisoner under their control and supervision.

34. As the direct and proximate cause of the aforementioned harassment by the defendants and their agents, servants, workers, employees, and police officer(s)/sergeant(s)/supervisor(s), including Defendants, Edwin A. Neal and Marvin Wilkins, the plaintiff suffered the injuries and harms described in paragraphs 18-20 above which are incorporated herein by reference.

WHEREFORE, Plaintiff demands judgment against the Defendants, jointly and severally, in an amount in excess of \$150,000.00, plus any compensatory, punitive, treble, consequential and delay damages, attorney's fees and costs to which he is entitled

COUNT IV
PLAINTIFF V. ALL DEFENDANTS
INTENTIONAL AND NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

35. Plaintiff hereby incorporates by reference all prior allegations the same as though set forth herein at length.

36. As stated herein, the aforementioned actions and/or inactions of the defendants and their agents, servants, workers, employees, and police officer(s)/sergeant(s)/supervisor(s), including Defendants, Edwin A. Neal and Marvin Wilkins, negligently, intentionally, willfully and wantonly directed towards and inflicted upon the plaintiff without any justification or cause.

37. Furthermore, the aforementioned actions and/or inactions of the defendants and their agents, servants, workers, employees, and police officer(s)/sergeant(s)/supervisor(s), including Defendants, Edwin A. Neal and Marvin Wilkins, as described more fully above, were malicious, willful, wanton, outrageous in the extreme, intolerable in a civilized society and specifically calculated to cause injury to the plaintiff.

38. As a direct result of the aforementioned actions and/or inactions of the defendants and their agents, servants, workers, employees, and police officer(s)/sergeant(s)/supervisor(s), including Defendants, Edwin A. Neal and Marvin Wilkins, the defendants negligently and intentionally caused the plaintiff to suffer physical injuries and emotional distress.

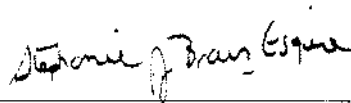
39. As a direct and proximate result of the aforementioned actions and/or inactions of the defendants and their agents, servants, workers, employees, and police officer(s)/sergeant(s)/supervisor(s), including Defendants, Edwin A. Neal and Marvin Wilkins, the plaintiff sustained both physical and mental, psychological and emotional distress, embarrassment, anxiety, depression, and humiliation, which are likely to continue in the future and for which he has undergone and may in the future undergo psychological/psychiatric

counseling, therapy, and treatment. Plaintiff has undergone and may in the future undergo great physical and mental pain and suffering.

40. As the direct and proximate result of the actions and/or inactions of the defendants and their agents, servants, workers, employees, and police officer(s)/sergeant(s)/supervisor(s), including Defendants, Edwin A. Neal and Marvin Wilkins, the plaintiff suffered the injuries and harms described in paragraphs 18-20 above which are incorporated herein by reference.

WHEREFORE, Plaintiff demands judgment against the Defendants, jointly and severally, in an amount in excess of \$150,000.00, plus any compensatory, punitive, treble, consequential and delay damages, attorney's fees and costs to which he is entitled.

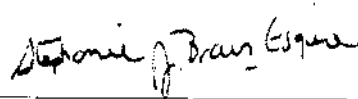
Respectfully submitted



STEPHANIE J. BROWN, ESQUIRE
1221 Locust Street
Philadelphia, PA 19107
(215) 320-7515
ATTY. ID
ATTORNEY FOR PLAINTIFF

VERIFICATION

I, Stephanie J. Brown, verify that I am the plaintiff's attorney herein and that I am authorized to verify that the statements made in the attached pleading are true and correct to the best of my information, knowledge, and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.



STEPHANIE J. BROWN, ESQUIRE

Date: 6/14/2010

CIVIL COVER SHEET

The JS 44 civil cover sheet and information contained herein neither replace nor supplement the filing and service of pleadings or other papers required to initiate a lawsuit. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court in the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Melvin E. Lewis

(b) County of Residence of First Listed Plaintiff *Philadelphia*
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Philadelphia 3 Barrow, Esq. 1221 E. 15th St. Philadelphia, PA 19107

DEFENDANTS

City of Philadelphia, City of Philadelphia Police Dept. Police Officer, American Union, Police Single Shot, Kmart Police

County of Residence of First Listed Defendant *Philadelphia*
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☒ 2 U.S. Government Defendant
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- (For Diversity Cases Only)
- | | | | |
|---|---|---|---|
| Citizen of This State | <input checked="" type="checkbox"/> PTF <input checked="" type="checkbox"/> DEF | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> PTF <input type="checkbox"/> DEF |
| Citizen of Another State | <input type="checkbox"/> 2 <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL INJURY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395B) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSD Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable-Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity).

18 U.S.C. § 1983, 1988

Brief description of cause:

Exonerated by police brutality

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions).

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

6/14/2010

Stephen J. Brown Esq.

JUN 14 2010

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

Address of Plaintiff: 5042 N. 5th St., Philadelphia, PA 19139

10

2842

Address of Defendant: City Hall, Philadelphia, PA 19103

Place of Accident, Incident or Transaction: 750 Race Street, Philadelphia, PA 19106

(Additional Space)

(Use Reverse Side For

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock? (Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐

No ☒

RELATED CASE, IF ANY:

Case Number: _____ Judge _____

Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court? Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? Yes ☐ No ☒

CIVIL: (Place in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☒ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases
(Please specify)

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury

(Please specify)

7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases

(Please specify)

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Stephanie J. Brown, counsel of record do hereby certify:
☒ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
☐ Relief other than monetary damages is sought.

DATE: 06/14/2010

Stephanie J. Brown

JUN 14 2010

Attorney-at-Law

Attorney I.D.#

I certify that, to my knowledge, this within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE:

6/14/2010

John J. Frank

Attorney-at-Law

Attorney I.D.#

CIV. 609 (6/08)

JB
THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
CASE MANAGEMENT TRACK DESIGNATION FORM

v.

CIVIL ACTION

10 2842

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.)
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ()

6/14/2010

Date

Stephane J. Brown

Attorney-at-law

Plaintiff

Attorney for

215-320-7515

Telephone

215-320-7514

FAX Number

Sj.brown@esquire.com

E-Mail Address

JUN 14 2010